FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

The Petitioners herein request a variance to permit a front yard metback of 8 feet in lieu of the minimum required 18.75 teet for a proposed deck with wheelchair ramp in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or generat welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the

requirements as set forth in Section 500.14 of the B.C.Z.R.

result from pollutants that are discharged from structures or conveyances or that have run off from sur-

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

- 2-

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

Wooden deck was Duilt to replace deterior ating rement forch and

It was positioned so as not to necessitate removal of 4 existing trees.

Steps. Ramp was added to accommidate family member was has

Fibrocitus (a form of arthrilus) and often connot regoliate stees

I HEREBY CERTIFY, this 3/ day of francisy 199/, before me, a Motary Public of the State of Maryland, in any for the County aforesaid, personally appeared light factors.

of his/her/their knowledge and belief.

The understoned hereby affirms under the penalties of perjury to the Zoning Commissioner of

13235 Patapsco Rd. Baltimore, MD 21220

reporting and advertising fee and may be required to provide additional information.

that to deny the relief requested would result in practical difficulty, upon conditions or circumstances which are the result of the Petitioner's

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to: 1) Minimize adverse impacts on water quality that

rounding lands;

permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

These recommendations shall be attached hereto and become a

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21dday of May, 1991 that the Petition for Residential Variance to permit a front yard setback of 8 feet in lieu of the minimum required 18.75 feet for a proposed deck with wheelchair ramp, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day apperlate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 1, 1991, attached hereto and made a part hereof

cc: Peoples Counsel

Zoning Description

Lot is situated on the North side of Gunpowder Road, which is 30 feet wide and East of Patapsco Road, which is 30 feet wide

Being Lot # 174, Section A' in the subdivision of Oliver Beach as recorded in Baltimore County Plat Brok # C.W.B. Jr. 12, Folio #56 containing 7500 square feet. Also Known as 13235 Patapsco Road and located in the 15th Election District.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

the description and plat attached hereto and made a part hereof, petition for a Variance from Section ___ 1802.3.Cl and 301.1 to allow a deck a front setback 8' in lieu of the allowable 18.75'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) Wooden deck was too It to replace deteriorating cement porch and steps.

Kamp was added to accommodate tamily manufer who has Fibrocitus,

(a form of arthritus) and often cannot negotiate steps.

It was positioned so as not to necessitate removal of four existing trees

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

owner(s) of the property which is the subject of this Petition. MA NETM D. 15 1.3-92

CONTING COMMISSIONER OF BALTIMENE COUNTY

penalties of perjury, that I/we are the legal

CRITICAL AREA 327

Politican Clyde P. Jackson, atuy Location of property: E/S Patapsio Rd, 15t H/ Gumpowder Rd.
13235 Patapsio Rd Location of Signer Fac. in Potopsic Rt Proprox 6' Fr. 100 dwg on fra forty of Philians

2/15/91

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 030 - POSTING SIGNS / ADVERTISING 1

LAST HAME OF UNDER: JACKSON

887-3353

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

Office of Planning and Zoning

May 3, 1991

E/S Patapsco Road, 15' E of the c/l of Gunpowder Road

15th Election District - 5th Councilmanic District

111 West Chesapeake Avenue

13235 Patapsco Road

Mr. & Mrs. Clyde P. Jackson

Baltimore, Maryland 21220

Case No. 91-313-A

Dear Mr. & Mrs. Jackson:

cc: People's Counsel

File

(13235 Patapsco Road)

RE: PETITION FOR RESIDENTIAL VARIANCE

Clyde P. Jackson, et ux - Petitioners

Towson, MD 21204

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

In the event any party finds the decision rendered is unfavor-

b. ROBERT HAINES Zoning Commissioner for Baltimore County

Very truly yours,

Make Checks Payable Tex Baltimere 64AD4H0D63HICHRC 64U0011:12AH02-15-91

CRITICAL AREA

receipt CRITICAL AREA

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 20, 1991

Clyde and Ellen Jackson 13235 Patapeco Road Baltimore, Maryland 21220

Re: CASE MUMBER: 91-313-A LOCATION: E/S Patapaco Road, 15' N of c/1 Gumpowder Road 1325 Patapsco Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 27, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is Harch 14, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public bearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > Very truly yours,

G. G. Stephens (301) 887-3391 Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 11, 1991

Mr. & Mrs. Clyde P. Jackson 13235 Patapsco Road Baltimore, MD 21220

> RE: Item No. 322, Case No. 91-313-A Petitioner: Clyde P. Jackson, et ux Petition for Residential Variance

Dear Mr. & Mrs. Jackson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

111 West Chesapeake Avenue

Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 4th day of February, 1990.

Baltimore County Government Zoning Commissioner

Office of Planning and Zoning

ZONING COMMISSIONER

Petitioner: Clyde P. Jackson, et ux Petitioner's Attorney:

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

J. Robert Haines Zoning Commissioner

DATE: March 6, 1991

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Russell V. Pettiford, Item No. 301 Timothy D. Brown, Item No. 311 Robert P. Biller, Item No. 318 Lloyd Lee Jordan, Item No. 321 Clyde P. Jackson, Item No. 322

In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

NCVARIED/ZAC1

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1991

Mr. J. Robert Haines Zoning Commissioner

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 26, 1991

The Bureau of Traffic Engineering has no comments on items number 297, 301, 311, 318, 321, and 322.

Traffic Engineer II

RJF/lvd

Baltimore County Government



700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

MARCH 13, 1991

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: CLYDE P. JACKSON

#13235 PATAPSCO ROAD Location:

Item No.: 322 Zoning Agenda: FEBRUARY 26, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

JK/KEK

...

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 22, 1991 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for February 26, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 297, 301, 311, 318, 321, and 322.

For Item 319 the previous County Review Group Comments are still applicable.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB: s

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: April 1, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 322

Jackson Property Chesapeake Bay Critical Area Findings

1991

ZONENG UNFICE

SITE LOCATION

The subject property is located at 13235 Patapsco Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. Clyde P. Jackson

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C1 and 301.1 of the Baltimore County Zoning Regulations to permit a front setback eight feet in lieu of the allowable 18.75 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

2. Conserve fish, wildlife and plant habitat; and

3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. COMAR 14.15.10.01.0>

Memo to Mr. J. Robert Haines April 1, 1991 Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This proposed deck is located approximately 500 feet from the tidal waters of the Gunpowder River.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed deck will not be increasing the sum of impervious surfaces. Additional impervious surfaces shall only be allowed if they do not increase the sum above 15%.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15. 02.04 C.(5)>.

Finding: This property presently contains forest cover of at least 15%. No additional trees need to be planted. However, the property owner is encouraged to plant additional trees wherever possible. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

Memo to Mr. J. Robert Haines April 1, 1991

Page 3

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: Rooftop runoff presently discharges from downspouts and across the lawn. The applicant has agreed to direct rainwater into Dutch Drains to encourage maximum infiltration and decrease the amount of runoff leaving the site.

CONCLUSION

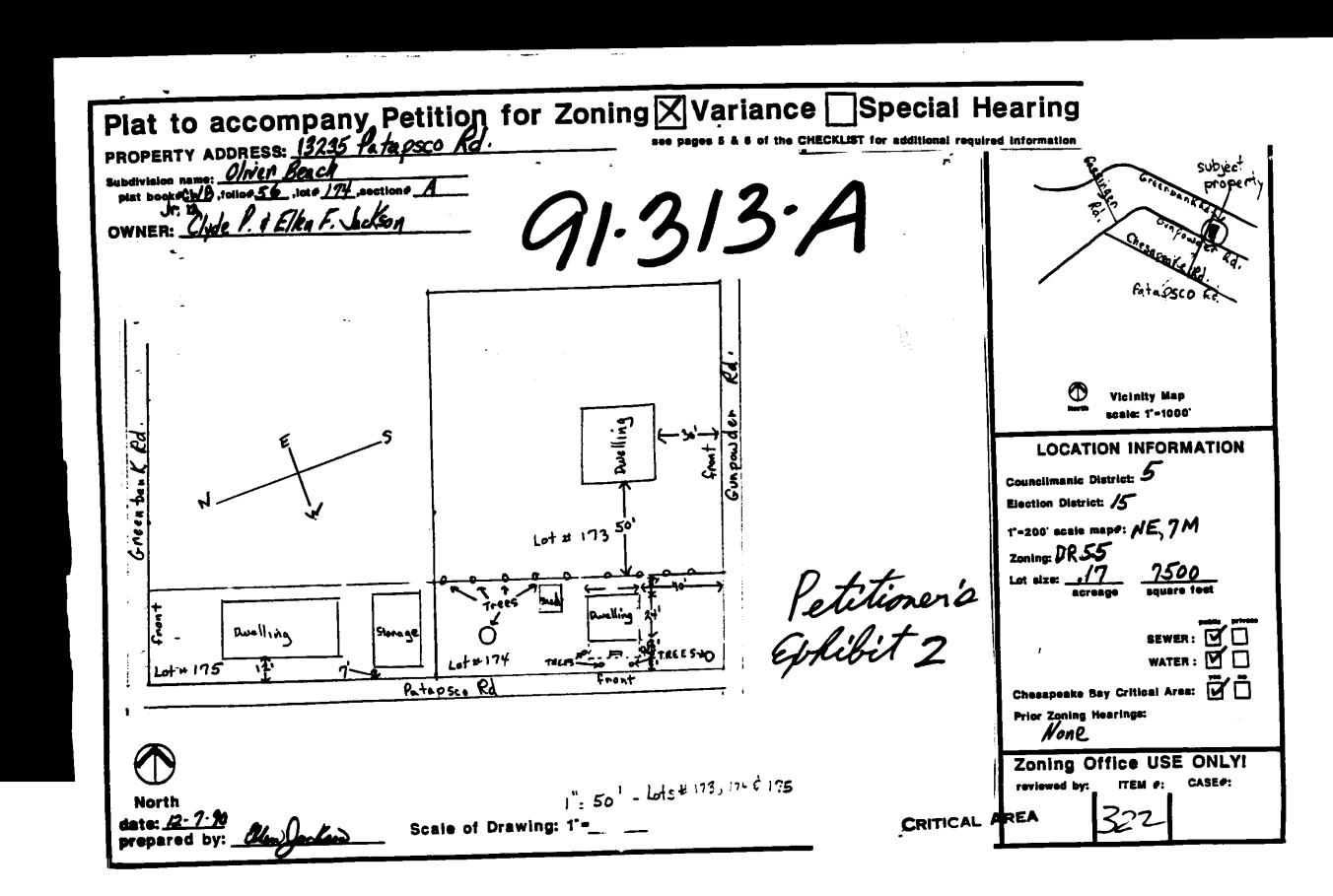
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

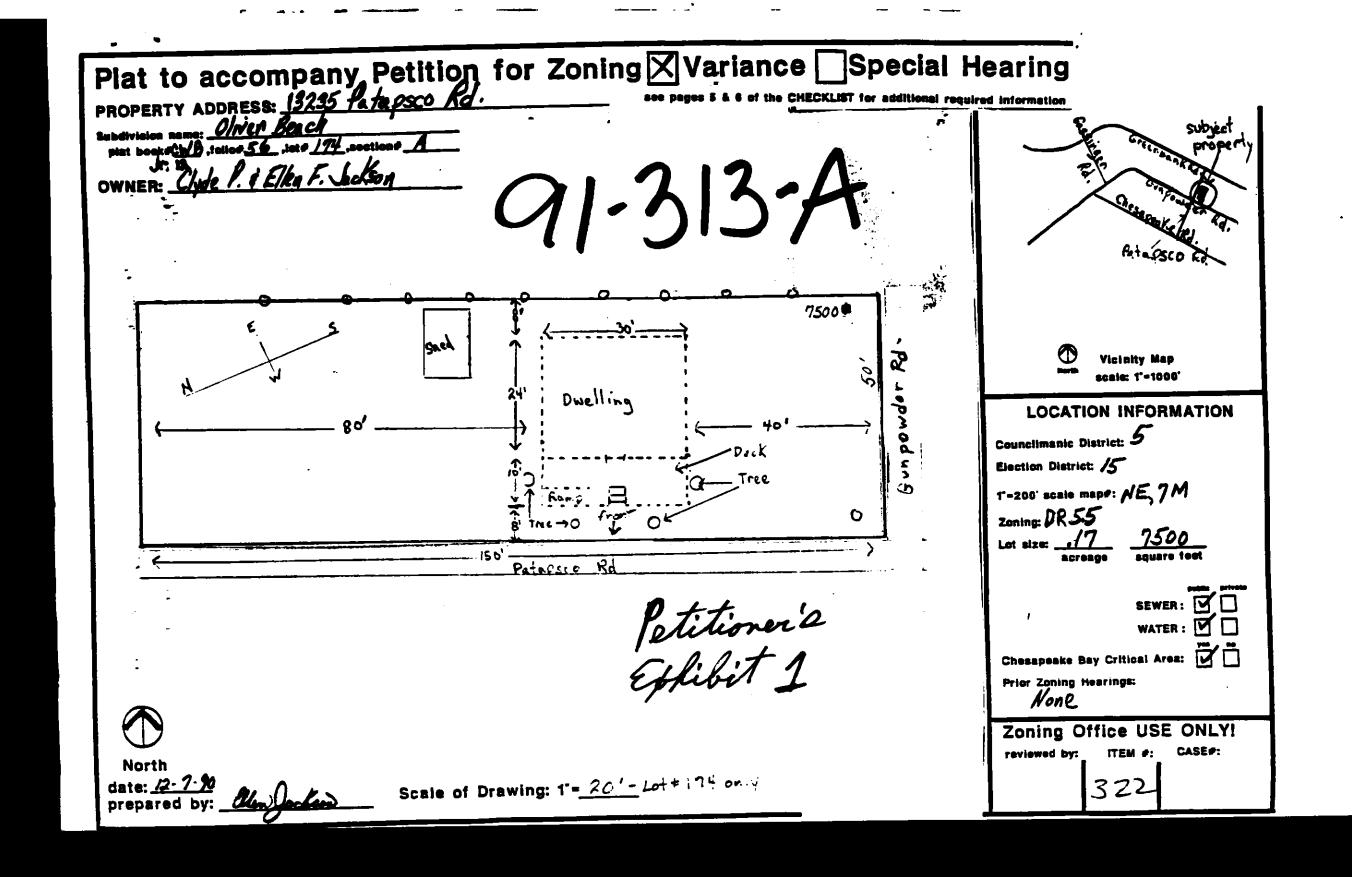
Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

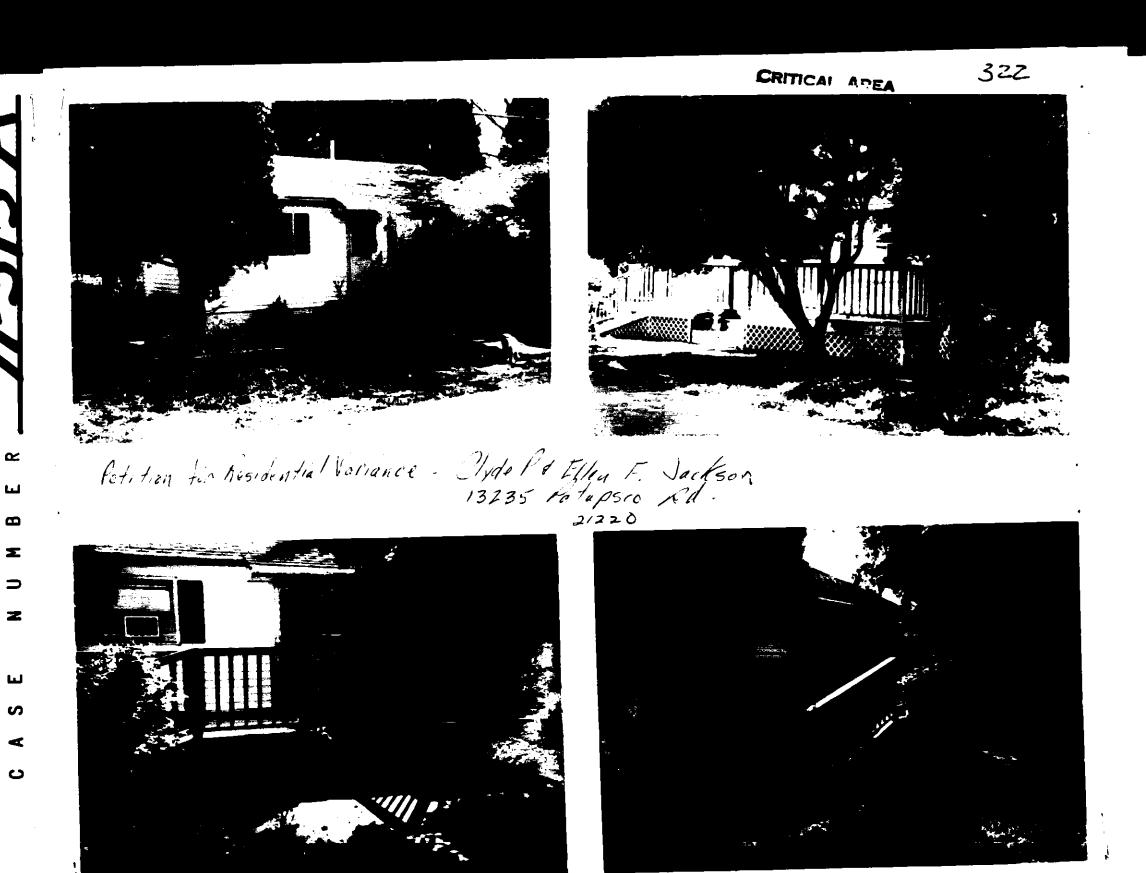


JJD:DCF:ju Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mrs. Janice B. Outen







PETITIONER'S EXHIBIT# 3

